



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

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June 2, 2008

The Honorable George B. Daniels
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007
(by fax)

An extension is granted until
August 1, 2008.

George B. Daniels
HON. GEORGE B. DANIELS

JUN 03 2008

Re: Johnnie Cook v. H. Graham
08 Civ. 3830 (GBD)

Dear Judge Daniels:

This Office represents respondent in this habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254. Although petitioner served this Office with his petition in papers postmarked February 27, 2008, we had never been served with an Order pursuant to Rule 4 of the Rules Governing Section 2254 Cases, directing a response. Today I received from petitioner an application for an evidentiary hearing; this document contained the above-referenced docket number. Upon receipt of this document, I immediately searched this Court's docket through PACER, and it was then that this Office, for the first time, became aware that your Honor had issued a Rule 4 Order on April 30, 2008. However, despite that petitioner was convicted in Bronx County, the Order directed the Clerk to serve the Order and petition on the New York County District Attorney, rather than the Bronx District Attorney. Thus, this Office never received the Rule 4 Order from the Clerk.

Accordingly, it is necessary for respondent to request an extension of sixty days, until August 1, 2008, in which to file our response. No previous requests have been made. I have neither sought nor received consent from the incarcerated pro se petitioner.

Thank you for your consideration in this matter.

Sincerely,

Nancy D. Killian

NANCY D. KILLIAN
Assistant District Attorney
Attorney for Respondent

cc.: Johnnie Cooks. 03- A-6498